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SUBJECT: 2009 MOROCCO UPDATE ON CHILD LABOR FOR TVPRA AND TDA

REF: 09 STATE 131995

INTRODUCTION

1. (U) This message provides requested updates for the Department of Labor's annual report on forced labor and exploitive child labor as mandated under the Trafficking Victims Protection Reauthorization Act (TVPRA) and the Trade and Development Act (TDA) and requested in refTel.

2. (SBU) The Government of Morocco (GOM) recognizes that there is an ongoing problem with child labor in the country and has made significant progress towards eradicating it. In recent years, Morocco has strengthened several legal codes aimed at ending the exploitation of children, funded anti-child labor programs implemented by NGOs, funded awareness raising campaigns, and stepped up enforcement of the labor code.

3. (SBU) There are no up-to-date statistics on the prevalence of child labor in Morocco. The last comprehensive study was published in 2003 by UNICEF under the title "Understanding Child Work" (UCW) which relied principally on government statistics from 1999. According to the UCW some 600,000 children ages 7-14, or 11 percent of that age group, were engaged in work in early 2000. The overwhelming majority of child workers (87 percent) were engaged in rural work for their families and not for wages. Children's work in urban areas was broken down across the following industries: textiles (25 percent), commerce (16 percent), domestic service (12 percent), repairs (9 percent) and other industries (20 percent).

Tasking 1: TVPRA

4. (SBU) Goods Produced by Forced Labor or Child Labor: The Mission does not have any information that Moroccan goods are produced using forced child labor or exploitive child labor. There is significant evidence that child labor still exists in the production of traditional handicrafts. This labor, however, does not rise to the level of forced or exploitive labor and will be addressed in tasking 2.

Tasking 2: TDA

5. (SBU) 2A. Prevalence and Sectoral Distribution of Exploitive Child Labor: Child labor, in general, was a widespread phenomenon in Morocco and was found principally in young boys working in construction, car repair, agriculture (primarily family farms) and

other service sectors. Child labor for girls was most prevalent among child domestics. Finally, child sexual exploitation continued to affect children of both sexes.

2A.1. Female child domestics or "petites bonnes" continued to be a problem in 2009. A 2001 study undertaken by the Ministry of Employment and Professional Training and the Municipality of Casablanca with the assistance of the UN Population Fund estimated that there were more than 22,940 children between the ages of 12 and 18 working as domestics in Casablanca alone. Of this number 13,580 were under the age of 16. A study by the NGO Save the Children done in 2001 estimated that there are 66,000 girls in Morocco under the age of 15 with no relation or kinship working in a domestic servant capacity. Child domestics are especially vulnerable to exploitation. Child domestics face increased risk of physical and sexual abuse from their employers. Furthermore, they typically work very long hours, do not attend school, and have high rates of illiteracy.

2A.2. The GOM did not collect or publish data on exploitive child labor in 2009.

2B.1. No new laws or regulations were enacted in 2009 in regard to exploitive child labor. However, during the year the Ministry of Employment and Professional Training (MOEPT) began updating its lists of industries that qualify as "hazardous work" for children. The MOL expects to publish its new list by April 2010. In addition, both the MOL and the Ministry of Social Development, Family and Solidarity (MOSD) have forwarded separate draft legislation to the Secretary General of the Government introducing legislation that would expand the labor code to better protect domestic servants and substantially increase penalties for employers who use child domestic workers. The submission by two separate ministries of a draft law to address the problem of child domestics is indicative of the GOM's commitment to address this problem.

2B.2. Moroccan laws and regulatory framework are adequate to address exploitive child labor in most instances. The one area where the laws are inadequate is the widespread use of child domestics since domestic servants are not covered by the labor code and the labor inspectors do not have the authority to inspect a private residence. The GOM is considering two draft laws that seek to address this problem.

Institutions and Mechanisms for Enforcement

16. (SBU) DOL has requested that post report using separate sections to answer questions regarding hazardous child labor and a second section on forced labor. The Government of Morocco (GOM) collected but provided only limited data on the enforcement of child labor issues. The GOM did not disaggregate the data to specify what, if any, prosecutions constituted hazardous child labor, forced child labor or regular child labor. The Mission has, therefore, conflated the two sections to provide an overview of GOM enforcement of child labor violations. A senior representative from the MOEPT told PolOff that cases of forced child labor in Morocco are extremely rare and that he was not aware of any such cases in 2009.

2C Section I and II: Hazardous Child Labor/Forced Child Labor

2C.1. Enforcement of child labor issues can be divided into dangerous work that is covered by the labor code and enforced by labor inspectors and illicit work that is covered by the penal code and enforced by the police and gendarmes. Enforcement is, therefore, the responsibility of both the Ministry of Employment and Professional Training and the Ministry of Interior (MOI). In addition, the MOSD is responsible for providing protection and services to child victims and the Ministry of Justice (MOJ) is responsible for prosecuting crimes under the penal code.

2C.2. There was limited cooperation between the police and labor inspectors as their work rarely overlapped. The MOSD and MOJ have created "focal points" in hospitals, the courts and police stations that are responsible for providing services to child victims and to assist them in navigating the bureaucracy.

2C.3. The GOM does not have a mechanism for making complaints about

hazardous and force child labor violations. The GOM does have a designated hotline known as a "green line" that fields calls in response to the mistreatment of women and children. The GOM provided statistics only on how many calls it received regarding incidents of sex crimes, violence or neglect.

2C.4. The MOEPT was unable to provide disaggregated funding information specifically for the labor inspectors or for those inspectors who act as the focal points for children's issues. In general, labor inspectors did not have adequate facilities, numbers or transport to carry out their inspections.

2C.5. The MOL employed 412 inspectors who are deployed around the country in 45 labor inspectors' offices. Each office had an inspector who is the designated focal point for children's issues and received specialized training of up to 14 weeks on child labor issues from the International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC) and the MOEPT. Additionally, 330 of the 412 inspectors have received some form of training on the issue of child labor. Given the size of the country and scarcity of labor inspector's offices, the number of inspectors was generally not sufficient to adequately monitor and enforce the labor code.

2C.6. The MOL was not able to provide disaggregated information on the total number of inspections that involved child labor, the average size of the fine or punishment or whether the inspections were complaint-driven or government-initiated. The MOL reported that in the first six months of 2009, labor inspectors issued 94 warnings and 39 fines to businesses for employing children under 15 years of age. In addition, the inspectors issued 616 warnings and 19 fines to businesses for employing children between the age of 15 and 18. The Ministry was unable to provide information on whether the kinds of businesses that employed children and whether it involved hazardous work, forced labor or simple child labor.

2C.7. According to the MOEPT, 11,714 children have been removed from work since the inception of the ILO-IPEC program in 2002. The Ministry was unable to provide information on the number of children removed in 2009 as a result of inspections.

2C.8. The MOEPT reported that labor inspectors issued 58 fines to businesses for employing minors, but it was unable to specify if the fines involved instances of hazardous or forced labor.

2C.9 and 10. The MOEPT reported that the 58 fines amounted to convictions under the law.

2C.11. The cases were dealt with exclusively as fines.

2C.12. Penalties were applied, and the fines levied were in accordance with the law. The MOEPT was unable to supply disaggregated information on the average fine.

2C.13. The GOM is committed to the eradication of child labor and has demonstrated this through its enforcement efforts and its legal reforms.

2C.14. The MOEPT in conjunction with ILO-IPEC offered specialized training lasting 14 weeks to the 45 labor inspectors designated as focal points on the issue of child labor. In addition, a total of 330 labor inspectors, or 80 percent of the total, have received some form of specialized training on child labor issues.

Enforcement of Child Trafficking, Commercial Sexual Exploitation of Children, and the use of Children in Illicit Activities

17. (SBU) The Mission has conflated its responses to the three sections concerning child trafficking, commercial sexual exploitation (CSEC) and the use of children in illicit activities because the Government of Morocco was not able to provide substantial disaggregated data for each subject.

2D.1. The police and gendarmes, part of the MOI, are the principal officials responsible for enforcement of the penal code, which covers the crimes of child trafficking, CSEC and the use of children in illicit activities. The Ministry of Justice is responsible for prosecuting the crimes and the MOSD is charged with child protection

and development of policy. In 1999 the Government of Morocco created the National Observatory for the Rights of the Child (ONDE), which is headed by Princess Lalla Meryem, the sister of King Mohammed VI. ONDE, in cooperation with the MOSD and the Ministry of Health, created "Children Reception Centers" to provide services to children victims of violence, sexual abuse or neglect. These centers are staffed by nurses and social workers and are located at most major hospitals. In 2008, the date of the most recent statistics, ONDE reported dealing with 120 cases of sexual abuse, 141 cases of physical abuse, 167 cases of negligence and 132 cases of aid provided to a child. In addition, in 2007, the MOSD has created two Centers of Infant Protection (UPE) in Marrakesh and Casablanca that are service centers staffed and prepared to assist children who are the victims of sexual abuse or violence. The MOSD reported that it plans to expand the UPE program to four other cities, but international and non-governmental organizations reported that the UPE was inadequately funded and staffed in its two existing locations. The police and gendarmes, in the larger urban areas, have officers specifically dedicated to child issues and the MOJ has created "child cells" within the courts designed to help children victims during their legal proceedings

2D.2. The Ministries of Interior and Justice were not able to provide a disaggregation of funds dedicated specifically to child trafficking, CSEC and illicit goods.

2D.3. The Government of Morocco has a designated hotline known as a "green line" that fields calls in response to the mistreatment of women and children. The GOM was not able to provide statistics on how many cases specifically dealt with CSEC issues in 2009.

2D.4. The most up-to-date crime statistics published by the MOJ are from 2008. Since all court records, including sentencing information, are recorded by hand and submitted at the end of the year to headquarters, it takes the MOJ substantial time to compile statistical information. In 2008 the MOJ reported the following: 138 cases of the exploitation of children to beg and the prosecution of 143 individuals, 73 cases of the exploitation of children in drugs and the prosecution of 80 individuals, 203 cases of facilitating the prostitution of minors and the prosecution of 193 people, 160 cases of pimping a minor and the prosecution of 239 individuals. The MOJ also reported that in 2009 10 foreigners were prosecuted for engaging in homosexual acts with a minor, inciting a minor to prostitution and the violent rape of a minor. The sentences for the foreigners ranged from two years to one month in prison. In addition, the MOJ published statistics about violence committed against children and noted that in 2008 there were 1,856 cases of battery against a child resulting in the prosecution of 1,966 individuals and 1,519 cases of aggravated battery against a child resulting in the prosecution of 1,617 individuals. These statistics do not reveal to what extent these crimes may have involved an employer and a child. The phenomenon of child domestics is widespread in Morocco and there have been a number of high profile cases of abuse in the media. For example, in October 2009 the spouse of a judge in Oujda was sentenced to three and half years in prison for aggravated battery after torturing her child domestic.

2D.5. The MOJ was unable to provide statistics on the number of children rescued as a result of its prosecutions.

2D.6. Arrests and convictions are listed in 2D.4.

2D.7./2D.8/2D.9. All of the cases listed in 2D.4 resulted in successful prosecutions and convictions. The sentences imposed met the standards established in the legal framework.

2D.10. The Ministry of Justice was unable to provide information on whether the sentences imposed were fully served. A senior representative from the MOJ told PolOff that she believed the sentences would be fully served.

2D.11. The MOJ was unable to provide information on the average time it takes to resolve a case of child trafficking/CSEC/or the use of children in illicit activities.

2D.12. The GOM offered various types of training on issues related to human rights, women's and children's issues to security officers

at the MOI and judges and prosecutors at the MOJ. Some of the training modules taught in 2009 included "Protection of the Rights of Children," "Action Plan of the Ministry of Justice to Take Charge of Child Victims of Violence," "The Phenomenon of Violence against Women", "Fighting Violence against Women" and similar courses.

2D.13. Morocco did not experience armed conflict or have a problem with child soldiers in 2009.

Government Policy on Child Labor

18. (SBU) 2E.1-7. The Government of Morocco did include child labor specifically as an issue to be addressed in poverty reduction, development, education and in other social policies. It did so under the general rubric of child labor but did not specify "exploitive child labor." The GOM's child labor efforts are covered in section 2F.1.-6.

Social Programs to Eliminate or Prevent Child Labor

19. (SBU) 2F.1. In 2006 the GOM launched its "National Plan of Action for Children" (PANE), outlining the government's strategy for children's rights for 2006-2015 and headed by the king's sister Princess Lalla Meryem. The MOSD oversees the program with the cooperation of other government ministries and has as its four goals children's health, protection, education and participation. In May 2008, the MOSD held a strategic review of the PANE and offered criticisms of its shortcomings and recommendations for its continued implementation from 2008-2010. Furthermore, in 2007 the Government created an inter-ministerial commission known as "Inqad" to fight child employment, particularly child domestics. The commission is tasked with making recommendations to the Government on judicial reforms and working with partners in civil society to improve the situation of child labor. Inqad also spearheaded an anti-child labor awareness campaign from January to February 2007, using print media, radio and television to disseminate information about the dangers of child labor. The MOEPT is preparing another national awareness raising campaign in 2010 and presented the poster and other campaign material to PolOff.

2F.2. Reducing child labor has been the focus of a number of government projects, mainly through reducing poverty and increasing school retention in rural areas. In 2005 the Government of Morocco launched the National Initiative for Human Development (INDH), a five year, billion-dollar human development plan that has as one of its principal components alleviating rural poverty and increasing school retention.

2F.3. The Government, through a World Bank loan, provided USD one billion to the INDH initiative. As part of the PANE, the MOEPT in conjunction with ILO-IPEC funded eight NGOs across the country specifically to combat child labor. There are currently 10 anti-child labor programs being funded, some of which began in 2007 and which will continue until 2010. For fiscal year 2009, the GOM and IPEC contributed the equivalent of USD 337,758 to the NGOs to implement programs on combating child labor, raising awareness and rescuing children.

2F.4. In 2009 the GOM both provided direct financial support to NGOs working on the issue of child labor and hosted conferences that included civil society and the unions to address the problem of child labor. The MOEPT also hosts an annual committee to combat child labor that brings together stakeholders from civil society, the unions, foreign governments and international organizations to review ongoing efforts on child labor.

2F.5. The MOSD and the MOEPT have both forwarded draft legislation to the Secretary General of the Government to address the problem of child domestics. The Mission is unable to say at what point such a law will pass or in what form, but the fact that two ministries have independently proposed draft legislation demonstrates the GOM's awareness and sensitivity to this ongoing problem.

2F.6. The GOM did not sign any new international agreements to combat trafficking. However, the Government announced in May 2009 its intention to bring its laws into accordance with the Palermo

Protocol on Trafficking.

Continued Progress

¶10. (SBU) 2G. Morocco has made progress and has demonstrated the political will to combat exploitive child labor. Morocco has a strong legal framework and through its funding and enforcement efforts has demonstrated its willingness to tackle this issue. The phenomenon of child labor, however, is still a significant issue in Morocco and is intricately tied to low literacy levels, poverty and other socio-economic shortcomings that the GOM is struggling to address. Morocco also has serious deficits in its ability to adequately enforce its labor code. Finally, the GOM has also shown greater transparency by providing statistics on enforcement mechanisms over the last two years.

¶11. (SBU) This cable was prepared by Casablanca PolOff Matthew Lehrfeld, who can be reached at lehrfeldmw@state.gov or by telephone: +212522264550 ext. 4151. Contact information and source material is available upon request. U.S. officials held consultations with Government of Morocco representatives from the MOEPT, the MOSD, the MOJ, and the MOI. PolOff also met and consulted with representatives from UNICEF, ILO-IPEC, HCR, IOM, NGOs, trade unions and academics.

¶12. (U) The following reports published in the last five years are available in French upon request:

¶1. Child Labor in the Traditional Sector, M. El Hadj El Kouri, July 2009, UNICEF Morocco

¶2. Agriculture without Child Labor, April 2008, M. Nacer El Kadiri ILO-IPEC

¶3. Study of the Professional Risks and Illnesses associated with Child Labor between 15-18 years in the artisanal sector of Marrakesh, M. Mohammed Islah, July 2009, EFICA Consultants

¶13. (U) Embassy Rabat has coordinated on this message.

Millard